

RICHMOND POLICE DEPARTMENT



11-29

PROPERTY AND EVIDENCE OPERATING MANUAL

Chief of Police or Designee

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CHAPTER 1

PROCEDURES

MISSION STATEMENT

It is our promise to provide exceptional quality customer service to internal and external customers by displaying patience, respect and a commitment to professionalism. All customers will be treated fairly and with dignity at all times. We shall seek only to employ those individuals to our team that will keep integrity of the utmost importance. It is our goal to preserve and protect the property of our citizens and the evidence of our officers by implementing procedures that will support efficiency. We shall be proficient by maintaining an enhanced computerized tracking system. We will always ensure the proper storage and handling of all property and evidence coming into our possession, as well as ensure that appropriate destruction procedures are observed for each item of property or evidence that is entrusted to our care.

POLICY:

Evidence, found property, or recovered property submitted or turned into this agency will be properly packaged, handled, recorded, stored, and accounted for. Property & Evidence personnel shall maintain strict accountability for these items while in our custody.

PURPOSE:

The purpose of this Operation Manual is to establish a lawful system for the safe and efficient handling, storage and retrieval of evidence, or other valuable items that enter into the custody of the Richmond Police Department. Such procedures are critical to case management, the appropriate handling of citizen's property, officer safety and timely disposal procedures.

The methods and procedures set forth herein are presented for two main purposes:

- To ensure that evidence is properly handled, documented and preserved to prevent contamination and/or inadmissibility in court, and;
- To ensure that property and evidence is disposed of in an appropriate and timely manner once it no longer has any evidentiary value, or it can not be returned to its rightful owner.

It is imperative that all employees involved in the handling of property and evidence have a thorough knowledge of the appropriate procedures.

Note: Per G.O. 3-12, Property & Evidence personnel are the final authority as to the receipt and ultimate disposal of all items seized by the Police Department.

Improperly seized items will be not accepted. Additionally, any improperly seized items left in the overnight room will be reclassified as "release to owner" or "dispose" with an immediate notification to the submitting officer's commander.

Any officer submitting items that are suspected proceeds of a crime, will have 72 hours to identify the specific crime. If no crime can be identified, the items will be reclassified as “release to owner” or “dispose”.

Property & Evidence personnel will determine when items will be disposed. This decision will be based on input from the submitting officer, the Major Crimes Unit, and the Commonwealth’s Attorney’s Office. Additionally, P&E personnel will ensure all items are disposed in a timely manner pursuant to State Code, City Ordinance, and Accreditation Standards.

EVIDENCE

“Evidence” is any property that comes into the custody of a Police Department employee which may tend to prove or disprove the commission of a crime, or the identity of a suspect, pursuant to an official criminal investigation. Example of evidence: physical or chemical evidence left at the scene of a crime by a victim or suspect; recovered stolen property; or property currently under observation which is suspected to have been used in, or be the results of, the commission of a crime.

PROPERTY

“Property” is any item of no evidentiary value surrendered to an employee of this department with the understanding that the person surrendering the property has the legal right to do so, and that the property will be returned to the rightful owner(s) unless disposition by the Department in a manner prescribed by law is requested by the owner(s). Due diligence must be exercised as prescribed by law to discover the rightful owner. If not owner is located, the Department will dispose of the property in accordance with the Code of Virginia § 15.2-1719, usually within 60 days of receipt.

PERSONNEL

Property & Evidence Technician (civilian) and Property Officer (sworn)

Responsible for planning, coordinating, and implementing the daily activities of the Property Room. Receives, logs, labels, and stores property and evidence; locate and release personal property to apparent owner(s), conduct organized disposals of unclaimed property and items no longer of evidentiary value. Perform scheduled and random inventories of items within Property & Evidence control. Collect, log, and maintain all firearms stored as property or evidence. Receive, inventory, and re-stock daily operational supplies; and securely maintain items requiring special handling such as drug evidence, large sums of U.S. Currency, etc. Must be computer literate, have the ability to lift varying weights, and be available to work periodic nights, weekends, or holidays. Perform additional duties as needed.

There will be a Property and Evidence employee assigned to the position of **Drug Liaison**. This person will be responsible for taking evidence to the State Lab that has been submitted by officers assigned to Field Services and Organized Crime.

Additionally, Property Officers will be required to perform **Police Fleet** duties and **Police Tow Lot** Duties as assigned.

Asset Forfeiture Detective – there will be two detectives assigned to work in the Asset Forfeiture Unit. The detectives duties and responsibilities are outlined in the Asset Forfeiture Manual.

DAILY OPERATIONS

The Richmond Police Department's Property & Evidence Unit falls within the authority of the Financial Management Division. Property & Evidence is accessible to police personnel from 0630-1730 Hours Monday – Friday excluding holidays. After normal business hours police personnel are to log and secure property and evidence in the overnight processing room. Secure facilities are accessible to Property & Evidence Personnel only, for the proper handling and storage of items submitted to Property & Evidence control.

Property & Evidence Unit personnel, designated by the OIC as essential to the continued successful operation of the Unit, shall report to work in the event of a city emergency. Those P&E officers shall respond to work if the city closed (i.e., snow emergency, act of terrorism).

OPERATIONAL SUPPLIES

The Property & Evidence Unit will be responsible for ordering and maintaining daily operational supplies of the Unit. The Property and Evidence Unit will also be responsible for ordering police supplies and equipment.

The Property and Evidence Unit will supply packaging materials for most items that are submitted. Exceptions would be evidence requiring special packaging that would derive from units such as the Forensics and Arson units. These units will supply their own packaging supplies for these situations.

- a. Corrugated Boxes - Cardboard boxes will be provided for items too large to fit in an envelope or smaller bag. Several sizes of standard boxes will be available.
- b. Plastic bags - Red Infectious Waste Bags, size 30 x 36, 3 ml, will be available for all property and evidence submitted that may contain bio-hazardous materials. Smaller zip-lock bags will be available for non bio-hazardous materials.

- c. Envelopes - Manila envelopes of various sizes are available for DNA items, marijuana plants and other items that require special packaging.
- d. Plastic Evidence Bags - All plastic evidence envelopes will be maintained by the Property & Evidence Unit and will be dispensed on an individual basis. Quantities of these envelopes may be assigned to precincts. Various sizes of envelopes are available to accommodate the quantity of currency or narcotics being submitted.

FORMS

All PD forms used by the Police Department have been incorporated into the Richmond Police Department's Server File. Additional Non-PD forms shall be maintained by the Property & Evidence Unit, and shall be distributed throughout the Department upon request. Examples: IBR Reports, Police Accident Report (State Form FR 300); CCRE Arrest Sheets, Vehicle Towing Record Books; Parking Citations, etc.

Forms used within the Property Room include: Property & Evidence Vouchers; PD-97s; Drug Seizure Forms; Cash Count Forms; Laboratory Analysis Requests; Forensics Analysis Requests, etc.

- A. **Voucher** - All property & evidence coming into the possession of an employee of the Department shall be thoroughly documented on a Property & Evidence computerized voucher within the TraQ program. The Property & Evidence Unit shall maintain a copy of the voucher as a back-up record, and a copy shall be given to the submitting officer.

Exceptions:

- 1. Vehicles - all vehicles will be recorded on vehicle tow records and then logged into the QUETEL system by the Police Tow Lot Officer.
 - 2. Prisoners' personal property - all personal property belonging to individuals under full custodial arrest will be placed in the custody of the Sheriff's Department, with the exception of firearms, knives, or any other object that can inflict bodily harm. In some instances, large items or items belonging to prisoners subject to out-of-town extradition will be accepted.
- B. **PD-97 (Firearms Information Form)** - all firearms submitted to the Property & Evidence Unit will be accompanied by a complete and accurate PD-97.
 - C. **PD-30 (Asset Forfeiture Form)** - all currency confiscated along with drugs must be documented on a PD-30 and forwarded to the Asset Forfeiture Unit.

- D. **Cash Count Form** – All money submitted to the Property & Evidence Unit shall be accompanied by a Cash Count Form. The funds will be sealed inside a clear plastic evidence bag with the Cash Count Form, with the dollar amount clearly in view.
- E. **Forensic Examination Request** - Property and evidence submitted to the Property Room requiring forensic examination shall be thoroughly documented on the Forensic Unit Request for Fingerprint Examination Form. The Forensics Examination Request shall be affixed to the outside of the packaged property or evidence.
- F. **Request for Forensic Laboratory Examination, RFLE** - to be completed when submitting items to the State Laboratory for examination.
- G. **Court Receipt Form** - All property and evidence signed out for court shall be documented on a Police Department Court Receipt Form. The form will be taken to court with the items. Should the court seize any or all of the items, the officer shall return the signed court receipt, documenting the items retained, to the Property & Evidence Unit immediately in accordance with General Order 3-12.

STORAGE LOCATIONS

The Property & Evidence Unit has several secure locations in which property and evidence is stored:

- A. **Restricted Area** - The secured area located in the rear of the Property Room. Only P&E personnel are authorized access. Under certain controlled conditions, non-P&E personnel may be granted access when accompanied by P&E personnel. Under no circumstances shall a non-P&E member be left unobserved in the Restricted Area.
- B. **Drug Cage** – The secure area located in the Property Room, which contains individual lockers where drug evidence is stored. The pre-lab storage location known as “**Mailbox**” is also located inside of the fenced area. This mailbox is secured with a lock that is only accessible by the drug liaison officer and P&E supervisors. This area will constantly be monitored by an alarm system, which will be deactivated and reactivated upon entry and exit. Only P&E members shall access this area. Access by other personnel will be approved by a P&E supervisor, and will be accompanied at all times.
- C. **Warehouse** - The secure, warehouse is currently located at 501 N. 9th Street. This facility is used to store items too large to be maintained in the Restricted Area, long-term investigation evidence, overflow items, bicycles, and items to be used for special projects.
- D. **Gray Drop Safe** – The secure temporary location stationed within the Restricted Area, which is utilized to temporarily store all currency entered as evidence or safekeeping, and all drug evidence marked for disposal.

- E. **Cold Storage** – The secure large walk-in refrigerator and two standard refrigerators used to store evidence requiring refrigeration (i.e. PERK Kits, blood contaminated items, etc.) **Perishable items shall not be stored in the refrigeration units.**
- F. **Tow Lot (Hold for Investigation “HFI”)** – Located at 642 W. Southside Plaza. This facility is primarily utilized for the storage of motor vehicles impounded for investigative purposes. On occasion, extremely large items that can not be stored at the warehouse may be temporarily placed there for safekeeping.
- G. **Fire Station #5 on W. Leigh St.-**For storage of Arson and other Flammable evidence, **ONLY ACCESSIBLE BY INVESTIGATORS FROM THE ARSON UNIT**

ENTERING PROPERTY AND EVIDENCE

1. The **recovering officer** is responsible for the proper handling and packaging of all property and/or evidence collected or recovered. Careful processing is necessary to prevent any tampering, contamination, or destruction of the items. **Note: officers must utilize the clear plastic evidence bags whenever possible – the paper envelopes are only to be utilized for marijuana plants or any other item that may deteriorate (blood items, DNA, etc.) if stored in a sealed plastic bag. (The use of clear plastic bags facilitates the internal inspection process). Drug evidence bag serial numbers must be recorded on the Property Voucher in the Serial Number field.**
2. Officers will report to the Property & Evidence Unit and complete a Property & Evidence Voucher Form on the Property & Evidence Computer Tracking Program (Currently known as TraQ).
 - A. Officers will determine if the item is considered property or evidence and select the appropriate box.
 - B. The current date will be listed.
 - C. Each item will be assigned an item number and barcode, with the quantity and description listed beside the item number.
 - D. The officer will list where the property was found.
 - E. If an arrest is made, complete and accurate defendant information will be listed in the appropriate section.
 - F. The owner’s name and address of the property will be provided, if known.
 - G. Person who found the property - officer, citizen, etc., and address.
 - H. Submitting officer’s name, code number and incident number.
 - I. Officer’s Instructions - this section will contain one of the following dispositions for the property:

1. **Court** - property is held as evidence for court.

2. **Hold for Owner** - property is being held for owner:

If an owner is known - a letter will be sent to the name and address provided by the officer. If there is no response to the letter within 60 days, the property will be disposed of in the appropriate manner in accordance with Virginia Code § 15.2-1719.

If an owner is unknown - if a claimant does not come forth within 60 days, property will be disposed of in the manner listed in section 2(a).

3. **Investigation** - evidence that is being held while the submitting officer furthers his investigation

It is the responsibility of the submitting officer to declare a final disposition (i.e release to owner or dispose) of the property within 60 days of entry, after which time the property may be deemed appropriate for disposal. Should a detective assigned to the case require the evidence held to further the investigation, it shall be their responsibility to report to the Property & Evidence Unit to transfer the existing Voucher from the submitting officer into their custody. The submitting officer is not required to be present during this transaction. It shall become the assigned Detectives responsibility to provide a final disposition upon completion of the case.

3. **Destroy** - only drug evidence and drug paraphernalia not necessary for court proceedings, perishable items, or property in which the owner wishes destroyed may be marked for disposal upon initial entry of the property.

4. **AFU** – being for an Asset Forfeiture detective

5. **Detective** – being held for the assigned case detective.

6. **Federal Exile** – evidence of cases later adopted as exile cases

7. **Fingerprint** – to be examined by Police Forensics Unit

8. **Laboratory**- to be examined by the State Laboratory

9. **Other Agency** – being held for other Law Enforcement Agency

J. The Property & Evidence Computer Tracking Program will assign a voucher number and the Property & Evidence Technician will write the voucher number and affix a barcode on each item of property.

- K. The Property & Evidence Unit shall retain a copy of the Voucher, as a hard-copy back up, and the submitting officer shall retain a copy, and all related forms.
- L. **Entering Firearms** – During the initial Voucher entry, all firearms shall be accompanied by a PD-97 (Firearms Information Form), which will be provided for the officers via the Property & Evidence Computer Tracking Program. The PD-97 must be completed in full. This information is used by the Firearms Administrator to conduct ATF traces, NCIC records checks, etc.

Note – safekeeping of firearms: Officers may encounter volatile situations that are potentially violent, where there is a firearm present. If the officer finds it is in the best interest of public safety to remove the firearm and cannot find an alternative option to remove the firearm from the premises – the officer may seize the weapon and place it in Property for a time period of 24 hours.

1. It is the responsibility of the submitting officer to ensure that all firearms submitted to the Property & Evidence Unit are **unloaded**. If a particular firearm cannot be unloaded during normal business hours, the submitting officer shall transport the firearm to the Training Academy to be unloaded by the Range Master. During the hours when the Range Master is unavailable, the submitting officer shall notify the Property Technician, so that the firearm can be placed in the firearm loading box located in the Property Room. It shall be the responsibility of the Property & Evidence Technician to note that the firearm is an unsafe weapon by writing “Loaded Firearm” in “BOLD RED Marker” on the packaging container.
2. The following business day, the Firearms Administrator shall make the necessary arrangements to ensure that the firearm is properly unloaded (to include submission to the Division of Forensic Science, should the Range Master be unavailable).
3. Firearms placed in a gun box should not be sealed unless the firearm is to be analyzed by the State Lab or Forensics Unit. Each firearm must be examined by the Firearms Administrator, without disturbing the integrity of the item, to ensure that the correct information is recorded on the PD-97. Upon verification, any firearms that require additional testing, (i.e. Fingerprinting) shall be sealed by the Firearms Administrator.
4. Officers shall check each firearm through NCIC during the initial entry to determine if it has been reported stolen prior to submitting the item to the Property & Evidence Unit.
5. All firearms that extract and eject casings (primarily semi-automatic pistols and some shotguns and rifles) are to be *submitted to the Virginia Division of Forensic Science (VA-DFS)* for NIBIN testing (National Integrated Ballistics Information Network).

6. ALL FIREARMS MUST BE PLACED IN THE DEPARTMENT RECORDS MANAGEMENT SYSTEM - PISTOL

M. Entering Drug Evidence

1. Officers submitting drug evidence shall package them in a clear plastic evidence envelope, or other appropriate packaging suitable for storage in the Property & Evidence Room. Officers shall take care when handling drug samples to ensure its integrity and to maintain the chain of custody. ***The submitting officer shall properly seal and initial the evidence bag across the secured seams with a black permanent marker only.***
2. The submitting officer shall enter a complete description of the drug evidence into the TraQ System, and a voucher number will be generated.
3. The Property & Evidence Technician shall affix a barcode to each item entered on the voucher, and write the computer-generated voucher number on the packaging material.
4. During the initial entry, if the drug evidence is being submitted for disposal, the submitting officer shall indicate so by marking **“Destroy”** on the voucher.
5. The Property Technician shall write **“Destroy”** in **“BOLD RED MARKER”** on the evidence packaging, fill in the appropriate disposition and date on the TraQ program, and place the item(s) in the “Grey Drop Safe” where it will await storage and inventory for destruction.
6. If the Drug Evidence is not submitted for disposal, it shall be placed in the location “Mailbox” to await the drug liaison officer to take it to the State Lab
7. The drug liaison will be responsible for taking the items to the State Lab and retrieving them when the examination is completed. **One of the sworn police officers assigned to Property & Evidence will escort the civilian drug liaison to the lab each morning. When the liaison has finished the submission (one to three hours), they will call Property & Evidence and be escorted back by a police officer.**

This will:

- 1) Provide security to the civilian transporting drugs and firearms, and**
- 2) Reduce the window of opportunity as the individual will be followed for the five blocks between the Property & Evidence Unit to the State Lab, and ensure that they have made it safely into the State Lab building where they will be**

immediately under the observation of State Lab security personnel and surveillance cameras.

In addition to the drug liaison, only the submitting officer, secondary officer, or investigating officer shall be authorized to check out drugs from the Property and Evidence Unit.

N. Entering Currency

All personnel are required to adhere to the following guidelines for submitting currency to the Property & Evidence Unit:

1. All currency shall be hand-counted by two Richmond Police Officers (not Property & Evidence personnel) and placed in a clear plastic evidence bag. The officers must each count the currency separately – **a dual count**.
2. The submitting officer shall complete the property voucher, and both officers must complete and sign the “Cash Count Form” generated by the “Que-Tel” system.
3. The “Cash Count Form” shall be folded to allow for the amount entered on the property voucher to be clearly shown, and placed in the evidence bag facing the clear side of the bag.
4. The submitting officer shall properly seal and initial the evidence bag across the secured seams with a black permanent marker only.
5. The Property & Evidence Technician shall affix a barcode to each individual item entered on the voucher and write the computer-generated voucher number on the packaging material.
6. The Property Officer shall place the item(s) in the Grey Drop Safe” located in the restricted area where it will await deposit to the financial institution.

O. Entering hazardous Materials

1. If hazardous materials (i.e. hazardous chemicals) are suspected or located by a police officer, he/she shall contact the Fire Department immediately for proper handling and/or disposal. ***Under no circumstances will suspected Hazardous Materials be stored at the Property & Evidence Unit.***
2. All property or evidence that could be deemed “Bio-Hazardous” will be stored in red infectious waste bags that are supplied by the Property & Evidence Unit. Bio-hazardous materials may consist of bloody clothing or any item that might contain

bodily fluids. **Items contaminated with a substantial amount of blood or bodily fluids must be placed in the Forensic Unit's "Drying Room",** immediately upon submission to the Property & Evidence Unit. Should the "Drying Room" be unavailable at the time of submission, these items shall be stored in the large walk-in refrigerated section of the Property Section until such time that it is available.

3. The bags shall be taped at the top and placed in an evidence box.
4. While Physical Evidence Recovery Kits (PERK) kits meet the criteria of a Bio-Hazardous material, they need not be stored in an infectious waste bag; however, it must be refrigerated until it can be analyzed by the Division of Forensics Science.

P. Entering PERK Kits

1. PERK kits shall be assigned a computer generated voucher number upon initial entry.
2. Detectives submitting PERK Kits during the hours when the State Laboratory is in operation (0800-1630 weekdays) shall take the evidence to the lab for analysis immediately after check-in to the Property and Evidence Unit.
3. **During the hours when the lab facilities are closed (1630-0800 and weekends), PERK kits shall be temporarily stored in the designated cold storage units located in the Property & Evidence Unit. It shall be the investigating detective's responsibility to submit the PERK Kit to the State Laboratory within 72 hours of check-in.**

Q. Property Entered for Processing by the Forensics Unit

1. All evidence shall be entered into the Property & Evidence Computer Tracking Program (Currently known as TraQ) as previously outlined.
2. The submitting officer shall complete a "Request for Fingerprint Examination" form and submit it with the evidence to be fingerprinted.
3. The Property Technician will attach the form to the evidence to be processed.
4. All items will be temporarily placed in the "Green" PR-BIN location until the items can be scanned to a location, at which time it will be placed in the "Fingerprint Bin" until it is retrieved and processed by a Forensic Technician.
5. When a Forensics Detective removes any evidence from the Property & Evidence Unit, it shall be signed out via the TraQ Computer Tracking System.
6. Upon return, evidence requiring Forensic analysis shall be stored in the same manner as all other evidence.

ENTERING OF ITEMS AFTER-HOURS

When entering items after-hours the procedures outlined in section IX apply. The following steps are to be followed in addition to those listed previously. This procedure will occur in the Property and Evidence Overnight Processing Room that is only accessible to sworn personnel and NAO's and is monitored by closed circuit cameras.

1. The officer will package all property and evidence as outlined in section IX using the provided packaging materials available, and log the items into the "Que-Tel" system
2. After packaging and initialing the items and logging them in the Que-Tel system the officer will choose an appropriate storage locker to place the items in.
3. After placing the items in a locker the officer will lock the lock and place the key in the secure "Key Drop Locker".
4. The next day property and evidence is staffed, personnel will retrieve the keys from the drop locker and retrieve the items.
 - a. This will be done by no less than two (2) property and evidence personnel.
 - b. The retrieving property and evidence employee will write their code number and the locker number from which the items were pulled from on the voucher.
 - c. The items are then brought to the property and evidence section to be bar-coded and put in the temporary storage locations outlined in section IX.
6. Items that are too big or bulky for the lockers will be placed in one of the two rooms located in the hall to the Overnight Processing Room. After the item is placed in the room the door is to be shut, locking behind the officer and securing the items. The Property and Evidence section maintains the key to access these areas.

STORAGE OF EVIDENCE

When property or evidence has been submitted to the Property & Evidence Unit, and all guidelines have been met for entry, it shall be the responsibility of the receiving Property Officer/Technician to adhere to the following guidelines:

1. Ensure that all property and evidence is packaged properly for storage and safekeeping, and has been assigned a computer-generated voucher number;
2. Place all items in the locker ("GREEN") designated for storing property and evidence awaiting placement in a location;

3. Larger items too heavy or awkward for one person may remain in the front of the Property Section until such time that help arrives to move the item to an appropriate storage location;
4. All drug Evidence designated for disposal shall be placed in the “GRAY” drop safe. All other drug evidence that require analysis shall be placed in the “MAIL” until it is taken to the state lab by the drug liaison officer.
5. All currency shall be placed in the “GRAY” drop safe, (regardless of its disposition) until such time that it can be scanned, and assigned to one of the safes designated for currency storage.
6. All evidence that require processing by the Forensics Unit shall be accompanied with a “Request for Fingerprint” card, and placed in the transition location (“GREEN”) until such time that it can be scanned and assigned to the “FINGERPRINT BIN”;
7. Bicycles shall be placed to the rear section of the P&E Unit near the back doors until such time that they can be transported to the Warehouse, stored, scanned, and assigned to a location;
8. Firearms shall be placed in the gray storage locker located in the rear of the Property Section until they can be scanned and assigned to an appropriate gun location.

Once the Property Officer has fulfilled his/her duties, it shall become the responsibility of the Property & Evidence Officer/Technician to ensure that all property and evidence submitted is scanned and stored to a location. The procedure for storing property is as follows:

1. The P&E Technician/Officer will utilize the hand-held scanner to scan each item and assigned it to an appropriate location;
2. Immediately upon completion, the information shall be downloaded from the hand-held scanner into the “Que-Tel” program.

STORAGE OF CURRENCY

1. All currency that is not Bio-Hazard or Bank-Dye shall be deposited into a bank account. (Currently Richmond Police Credit Union). Property & Evidence supervisors should ensure that all currency held is deposited on at least a weekly basis.
2. Each sealed bag of currency will be checked out of property and taken to the bank by a Property and Evidence supervisor.
3. Upon arrival at the bank, a **second dual count** is conducted by the teller and by the Property Supervisor. As with the officers’ dual count, the teller and Property Supervisor must each conduct a separate count. **If there is a discrepancy with the officer’s cash**

count form, the Property Supervisor will take the additional step of using the Credit Union's cash count machine if either of the two conditions apply:

- a. There are 500 or more bills of the denomination in question**
 - b. Whenever the Credit Union teller decides to use the machine, regardless of the quantity of bills of the denomination in question**
4. If there is a disagreement in the amount listed and what is counted, the supervisor will change the cash count form and initial the changes along with the teller. The supervisor will ensure the amount is corrected in the TraQ system upon returning to Property. Any differences will be reported to the Property OIC on a PD-2 and submitted to the Internal Affairs Unit.
 5. Each deposit receipt will be placed in the corresponding bag, and the bags will be returned to Property and Evidence for storage.
 6. The dollar amounts will be entered into a financial database (currently Quicken).
 7. The currency amounts from the Quicken program, the Credit Union, and the TraQ program shall be reconciled at least once monthly.
 8. In returning currency to owners, a check will be obtained from the financial institution and logged into Property and Evidence to await pick up by the owner.

INSPECTIONS

The integrity of the Property & Evidence Unit is vital to the chain of evidence. Audits should be comprehensive in nature and shall be conducted by the Property & Evidence Unit command staff, a member of the Audits & Inspections Unit, or the Watch Commander.

- A. **Quarterly Inspections** – The Property & Evidence Unit OIC, Sergeant, or Materials Supervisor, shall conduct quarterly inspections to ensure quality control, and to make certain that accreditation standards are adhered to.
 1. Quarterly inspections shall be a random two-part inspection. Randomly selected barcodes from the “Que-Tel” program shall be selected during the first portion of the inspection. After selections are made, the storage locations shall be checked to verify that all items are stored in the locations documented by the “Que-Tel” System.
 2. The second portion of the inspection shall consist of a designee, who shall randomly select items from various storage locations within the Property & Evidence Section. The items shall be checked via the “Que-Tel” system for location accuracy.

3. Upon completion of the inspection, a letter shall be compiled and forwarded to the Planning Division and the Office of the Chief, via the OIC of the Property & Evidence Unit, attesting to the results of the inspection.
- B. **Random Inspections** – Members of the IAD and the Watch Commanders Office shall conduct unannounced inspections of the Property & Evidence Unit as an integral part of Departmental Policy, and to ensure compliance of proper security measures.
1. **Access to “Restricted Areas” shall not be compromised, unless expressly authorized by the OIC of the Property & Evidence Unit.**
 2. Random inspections shall be conducted at any time as directed by the Chief of Police, or his designee.
- C. **Annual Audits** – Annual audits shall be conducted by a member(s) of IAD.
- D. **Change of Command Inspection** - Whenever a new OIC is assigned to the Property & Evidence Unit, an inventory of property, to insure that records are correct and properly annotated, is conducted jointly by the newly designated OIC, the former OIC, and a designee of the Financial Management Division.
1. Upon completion of the inspection, a letter shall be compiled and forwarded to the Planning Division and the Office of the Chief attesting to the results of the inspection.

NOTE: Documentation of ALL INSPECTIONS shall be forwarded to the Planning Division and the Office of the Chief for records management purposes.

DISPOSITION OF PROPERTY

RELEASE / RETENTION OF PROPERTY

All property or evidence submitted to the Property & Evidence Unit shall be disposed of in accordance with **Virginia Code Section § 15.2-1719 (*Disposal of unclaimed property in possession of sheriff or police*)**. **Unclaimed bicycles and mopeds may be disposed of in accordance with § 15.2-1720. All Unclaimed firearms may also be disposed of in accordance with § 15.2-1721.** The Property & Evidence Unit will utilize “*Due Diligence*” to exhaust all efforts in an attempt to return any and all property to its rightful owner. Property can be disposed in the following ways:

1. **Dispose/Destroy** – property designated for disposal upon entry will be disposed of within sixty days unless otherwise retained by the agency in accordance with **Virginia Code Section § 15.2-1719;**

2. Officers wishing to retain property must indicate so during the initial computerized voucher entry by selecting “hold for investigation,” “Lab” “Court” etc. in the drop-down menu on the “Que-Tel” system.
3. Officers requesting the disposal of property or evidence may indicate so during the initial entry, or may return to the Property & Evidence Unit at a later date to change the original instructions to dispose/destroy.
4. **Officers submitting evidence for court shall be responsible for ensuring that a final disposition is provided when the item(s) is no longer of evidentiary value, or within thirty (30) days of the conclusion of the trial (i.e. Hold for owner, Dispose, etc.)** This will provide time for the possibility of an appeal by the defendant in accordance with **Virginia Code Section § 8.01-675.3**.
5. Property marked “Hold for owner” shall be returned to the owner, if known, as soon as reasonably possible.
6. Should an “Apparent Owner” (refer to Definitions section) be identified, a letter shall be mailed by first-class mail to the last known address of the owner as indicated on the records.
7. If an owner unknown or a response to a letter is not received within sixty (60) days, the property will be properly disposed of in the appropriate fashion in accordance with Virginia Code Section § 15.2-1719.
8. When property is returned to an owner, agency or any claimant, it will be the responsibility of the Property Officer/Technician to verify identification of the claimant via valid photo identification, such as a drivers license, Department of Motor Vehicles Identification Card, Social Services Identification Card, United States Passport, etc., in accordance with General Order 3-12, Paragraph III, Section A, subparagraph 4.
9. If a firearm is being returned to the owner, that individual claiming ownership must submit to a criminal background investigation in accordance with Virginia Code Section § 18.2-308.2:2.
10. If the owner of the firearm is known, the officer will list the owner’s name and address on the voucher.
11. The Firearms Administrator or police personnel assigned to Property and Evidence qualified to do so, shall conduct all criminal background investigation checks. Once the check is completed and the individual meets both State and Federal requirements for possession of a firearm, and the Property Officer/Technician has verified the owner’s identification, the Property Officer must view the firearm and voucher to ensure that it is the proper weapon prior to its release.
12. If the owner is unknown, and a claim is made on a firearm, the claimant must prove ownership and submit to a criminal background investigation before the firearm will be released. Proof of ownership shall be provided in the form of one of the following documents:
 - a. Original sales receipt
 - b. ATF Form 4473
 - c. Notarized Document from the original purchaser attesting to the personal sale of the weapon to the claimant.

13. If the owner information on the voucher provided by the Firearms Administrator differs from the claimant, who is the person authorized for release by the Police Officer, the Property Officer will clarify the situation prior to releasing the firearm. **If a claim is not made within 60 days, the firearm shall be disposed of in accordance with section § 15.2-1721 of the Code of Virginia (Disposal of unclaimed firearms or other weapons).**

For Items that are *not* Drugs, Firearms, or Currency:

14. When an item is determined to be of no value and therefore discarded – the disposal of the item must be witnessed by a second Property & Evidence Employee. The second employee must also sign the Disposal List along with the employee conducting the disposal.

15. When an item is determined to have potential value at public auction – the item must first be offered to the State Department of Treasury - Unclaimed Property Division per Code Section 55-210. If the State refuses, the item will then be sent to the contract auction service for the next available public auction. These items will be stored in a separate warehouse location until being sent to the State or to public auction.

METHODS OF DISPOSAL

All disposals shall be conducted in accordance with Departmental Policy and Procedure, and in compliance with Virginia Code Section § 15.2-1719, § 15.2-1721, §55-210. **For disposals of all items that are not Drugs, Firearms, or Currency – see numbers 14 and 15 above (disposals or auctions).**

Drug Items

All illegal drugs shall be inventoried by a member of IAD, and destroyed by incineration in accordance with Departmental Policy and Virginia Code Section § 18.2-253 (Disposal of seized substances) and § 18.2-265.4. (Seizure and forfeiture of drug paraphernalia).

1. The Property & Evidence Officer/Technician shall remove all drugs designated for disposal from the safe and place them in a box. The corresponding Voucher number and Barcode of each item shall be recorded on a spreadsheet.
2. The box shall be sealed with filament tape and store the box in the drug cage to await inventory by IAD.
3. When it has been determined that a considerable number of drug items of have been accumulated, the Property Room Sergeant of supervisor will coordinate a drug disposal.
4. The above participants will conduct the inventory as follows:

- a. The Property Officer and IAD personnel shall verify that the Voucher number, Barcode, and contents of each package match the information recorded on the spreadsheet.
 - b. Upon completion, both officers shall seal and initial the box.
 - c. The inspected boxes shall be placed in the drug cage awaiting destruction;
 - d. When a sufficient number of boxes have been accumulated the drug list shall be compiled, a letter shall be sent through channels to the Chief of Police approval.
 - e. Once the destruction has been approved, the Property & Evidence Unit supervisor will coordinate a drug burn. The burn will be conducted at an EPA approved incineration facility in the presence of the Property & Evidence Supervisor and IAD representative.
 - f. Upon completion, those viewing the burn shall sign a “witness list”.
5. The original drug spreadsheet, witness list, and letter of authorization shall be returned to the Property & Evidence Unit and placed on file for a period of not less than five (5) years.

Firearms

1. The Firearms Administrator shall record the make, model, serial number (if known) on a firearms spreadsheet; place the weapon in a cardboard box that has been assigned a number that corresponds with the sheet number on the spreadsheet.
2. Once an appropriate number of firearms have been placed in a box, a member of the IAD shall verify that the Voucher number, Barcode, and serial number of each weapon matches the information recorded on the spreadsheet. If the serial number cannot be readily identifiable upon initial inspection, the IAD personnel shall annotate this on the spreadsheet.
3. The IAD personnel will seal and initial the box. If the box needs to be reopened following this time, the Property supervisor will notify IAD of the date and reason for unsealing the box.
4. When it has been determined that a sufficient number of firearms have been accumulated, inventoried, and packaged, the Property & Evidence Unit Supervisor will request a letter from the Commonwealth’s Attorney’s Office stating that the firearms to be disposed are not needed in any criminal prosecution. Upon receipt of this letter, the P&E supervisor will submit a letter to the Chief of Police requesting permission to destroy the firearms.

5. Once approval has been authorized, the Property & Evidence Unit Sergeant or Supervisor shall coordinate a Firearms disposal with the appropriate facility.
6. The firearm disposal shall consist of Property & Evidence Unit Personnel and IAD personnel.
7. The disposal will be conducted in accordance with Virginia Code Section § 15.2-1721, and witnessed by the above personnel, who shall sign and date a witness list.

The original firearm spreadsheet, witness list, and letter of authorization shall be returned to the Property & Evidence Unit and placed on file for a period of not less than twenty-five (25) years, in accordance with state and federal law.

Currency

All currency shall be relinquished to the Department of the Treasury, Division of Unclaimed Property (*State Literary Fund*), **November 1st of every year**, in accordance with Title 55, Sections 55-210.1 to 55.210.30 of the Uniform Disposition of Unclaimed Property Act.

1. All deposit receipts for currency marked for disposal shall be pulled from their storage location by the Materials Supervisor and inventoried to a state disposal box location.
2. The Property & Evidence Unit Sergeant, or the Materials Supervisor, shall draft a letter to the Chief of Police advising the amount to be relinquished, and the intention to comply with the Uniform Disposition of Unclaimed Property Act.
3. Upon acknowledgement, the Property & Evidence Unit Sergeant and/or Materials Supervisor shall coordinate the delivery of the funds.
4. A check shall be requested from the financial institution for the amount matching the unclaimed funds. The check and an electronic inventory list of the currency will be delivered to the Commonwealth of Virginia, located at Monroe Towers, Division of Unclaimed Properties, 4th floor.

The original letter of intent to the Chief of Police, the original inventory list, and any other documents necessary for accurate record-keeping shall be attached to report and filed in the Property & Evidence Unit for a period of not less than ten (10) years.

Bicycles

Disposed of in accordance with Virginia Code Section § 15.2-1720. The items may be inventoried for usability and donated to an tax exempt charitable organization.

Biohazardous Material

Placed in the biohazard containers and disposed of by contracted vendor.

Ammunition

All ammunition shall be either delivered to the Richmond Police Training Academy for proper disposal or donated to the VA State Lab for use in ballistic testing.

CHAPTER 2

INTERNAL SECURITY

Key Control

1. Keys to the Property & Evidence Unit shall remain under the control of the Property and Evidence Unit OIC, and the Property Room Supervisor. Duplicate keys may be issued to Property & Evidence personnel as necessary to accomplish their assignments.
2. Duplication or possession of keys to secured property and evidence locations without the expressed consent of the Property & Evidence Unit OIC is strictly forbidden.
3. A complete set of keys and safe combinations to the Property & Evidence Unit safes are maintained by the OIC, Property Sergeant, and Materials Supervisor.
4. Property Room personnel are strictly prohibited from relinquishing Property Room keys to anyone other than authorized personnel.
5. Whenever the Property and Evidence Unit OIC or Property Sergeant changes assignments, or leaves their current assignment, it is the responsibility of the Financial Management Division OIC to ensure that the locks and safe combinations are changed.
6. In the event that a key is lost, new lock cores will be installed and new keys issued.
7. It is the policy of the Property and Evidence Unit that all spare keys be maintained and secured by the Property and Evidence Unit OIC.

Alarm System

1. The property and evidence storage locations are protected by an internal alarm system monitored by Richmond Alarm Company. Authorized Property & Evidence personnel are assigned an access code.
2. Authorized Property & Evidence personnel must deactivate the alarm to gain entry to the property storage locations.
3. The alarm must be activated whenever the property storage areas are unattended, (i.e. all non-business hours and when the property room is unattended during business hours).
4. Alarm codes and lock cores shall be changed whenever personnel changes are made, or at the direction of the Property & Evidence Unit OIC.

CHAPTER 3

RECORDS RETENTION



RECORDS RETENTION AND DISPOSITION SCHEDULE

GENERAL SCHEDULE NO. 17

LAW ENFORCEMENT RECORDS

ALL LOCALITY LAW ENFORCEMENT ACTIVITIES

The schedule on the attached page(s) is approved with agreement to follow the records retention and disposition conditions listed below:

APPROVED: Conley Edwards, State Records Administrator

EFFECTIVE SCHEDULE DATE: December 6, 2007

PAGE 1 OF 23 PAGES

CONDITIONS FOR RECORDS RETENTION AND DISPOSITION

1. This schedule is continuing authority under the provisions of the Virginia Public Records Act, §§ 42.1-76, et. seq. of the Code of Virginia for the retention and disposition of the records as stated on the attached page(s).
2. This schedule supersedes previously approved applicable schedules.
3. This schedule is used in conjunction with the *Certificate of Records Disposal* (Form RM-3). A signed RM-3 must be approved by the designated records officer and on file in the agency or locality before records can be destroyed. After the records are destroyed, the original signed RM-3 must be sent to Library of Virginia (LVA).
4. Any records created before the Constitution of 1902 came into effect (January 1, 1904) must be offered, in writing, to the LVA before applying these disposition instructions. Offered records can be destroyed 60 days after date of the offer if no response is received from the LVA. A copy of the offer must be attached to the RM-3 form when it is submitted to the LVA.
5. All known audits and audit discrepancies regarding the listed records must be settled before the records can be destroyed.
6. All known investigations or court cases involving the listed records must be resolved before the records can be destroyed. Knowledge of subpoenas, investigations or litigation that reasonably may involve the listed records suspends any disposal or reformatting processes until all issues are resolved.
7. The retentions and dispositions listed on the attached page(s) apply regardless of physical format, i.e., paper, microfilm, audio-visual, electronic storage, optical imaging, etc. Unless prohibited by law, records may be reformatted at agency or locality discretion. All reformatting must be done in accordance with The Library of Virginia Guidelines for Electronic Records and Microfilm and with §§ 17VAC15-20-10, et. seq. of the *Virginia Administrative Code*, "Standards for the Microfilming of Public Records for Archival Retention." All records must be accessible throughout their retention period in analog or digital format. Whether the required preservation is through prolongation of appropriate hardware and/or software, reformatting or migration, it is the obligation of the agency or locality to do so.
8. Custodians of records must ensure that information in confidential or privacy protected records is protected from unauthorized disclosure through the ultimate destruction of the information. Normally, destruction of confidential or privacy-protected records will be done by shredding or pulping. "Deletion" of confidential or privacy-protected information in computer files or other electronic storage media is not acceptable. Electronic records must be "wiped" clean or the storage media physically destroyed.
9. Under the *Virginia Public Records Act*, (§ 42.1-79) the Library of Virginia is the official custodian and trustee of all state agency records transferred to the Archives, Library of Virginia. The Library may purge select records in accordance with professional archival practices in order to ensure efficient access.

Abandoned / Impounded Vehicle Files

This series documents the identification, retrieval, processing, return or disposal of abandoned or impounded vehicles.

100812

Retain 3 years after disposition of vehicle, then destroy.

Confiscated or Surrendered Firearms Files

This series documents the taking and/or acceptance of confiscated or surrendered firearms by or to law enforcement authorities.

100729

Retain 10 years after court order and final disposal, then destroy.

Confiscated Property Files

This series documents the seizure of property involved in an arrest or execution of a court order. Does not include firearms/weapons; refer to records series 100729, "Confiscated or Surrendered Firearms Files."

100730

Retain 3 years after court order and disposal, then destroy.

Controlled Substance Seizure Files

This series documents the confiscation of controlled substances such as drugs and alcohol involved in arrest or execution of a court order. Does not include firearms/weapons; refer to records series 100777, "Confiscated or Surrendered Firearms Files."

100732

Retain 3 years after final disposition of case, then destroy.

Evidence Receipts

This series documents the chain of custody of evidence.

100752

Retain 3 years after final disposition of evidence or case closure, whichever is greater; then destroy.

Evidence Requests

This series documents the receipt of and response to requests for use of evidence and/or copies of evidence.

100753

Retain 3 years after final disposition of evidence or case closure, whichever is greater; then destroy.

Impounded Vehicle Records

This series documents the control of impounded vehicles while in law enforcement custody.

Refer to series 100812, "Abandoned/Impounded Vehicle Files".

In-Car Monitoring Tapes

This series consists of video or audio tapes from equipment installed in law enforcement vehicles to monitor actions of officers and possible offenders.

Refer to records series 100796, "Recordings, Surveillance and Monitoring – Not Used as Evidence" and 100797, "Recordings, Surveillance and Monitoring – Retained as Evidence"

Lab Requests and Reports (Certificates of Analysis)

This series documents requests by an evidence technician for forensic lab to test possible evidence. Lab provides a certificate of analysis. These provide property trail/chain of evidence.

Transfer to appropriate case file.

Property Listing Records

This series documents the internal control of property used or owned by the law enforcement agency.

100793

Retain 3 years after return or disposal of property, then destroy.

Radio Equipment Files

This series documents the operation, maintenance and repair history of radio equipment.

100794

Retain for life of equipment, then destroy.

Recordings, Surveillance or Monitoring - Retained as Evidence

This series documents the surveillance of an area and the actions of police, suspects and bystanders by use of audio and video recordings. Includes area surveillance and in-car monitoring of officers. Recordings may be audio or video in electronic or magnetic format.

100797

Retain 3 years or until case resolved or evidence released, whichever is longer; then destroy in compliance with No. 8 on schedule cover page.

Towed Vehicle Files

This series documents law enforcement's actions in towing or having vehicles towed in accidents, parking violations, abandoned or damaged vehicles.

100805

Retain 3 years after towed, then destroy.

CHAPTER 4

ATTACHMENTS